THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.11259 of 1999

Dated: 19-08-2005

Between:

M. Kotaiah.

...Petitioner.

And

The Chief Security Commissioner, Secunderabad,

and another.

...Respondents.

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.11259 of 1999

O R D E R:

This writ petition is filed seeking a Mandamus to declare the action of the first respondent in issuing the proceedings dated 19-11-1998

directing the petitioner to retire compulsorily and of the second respondent in issuing the proceedings dated 07-04-1999 confirming the proceedings dated 19-11-1998 as illegal and arbitrary, and consequently to direct the respondents to reinstate the petitioner into service with all consequential benefits.

As on today, the petitioner is aged about 65 years. Admittedly, the impugned proceedings were issued when he was aged about 59 years, directing him to retire, compulsorily. As seen from the record, it is evident that the petitioner was charged for having claimed Travelling Allowance by showing incorrect movements during the month of April, 1997, in violation of Rule 3 (1) (i) (ii) (iii) of Railway Service (conduct) Rules, 1966 and Rule No.146, 7 (iii) of R.P.F Rules, 1987, and that the said charge has been proved in full. In the circumstances, I am of the option that the impugned proceedings do not suffer from any infirmity warranting interference of this Court under Article 226 of the Constitution of India and the writ petition is devoid of merits.

The writ petition is accordingly dismissed. No costs.

_____ (C.V.RAMULU, J)

Date:19-08-2005

ghn